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|  | SMPSO # 314 | GENERAL ORDERS CHAPTER: Personnel | ST. MARTIN PARISH SHERIFF'S OFFICE |
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| | RELATED LOUISIANA CODE LA R.S. 23:11:68 (A) (2) USC Title 38 | | |
| | PAGE 1 of 8 | EFFECTIVE: 9-15-97 | |

I. **PURPOSE:**

The purpose of this General Order is to establish policy and procedure for the sworn personnel of the St. Martin Parish Sheriff's Office in reference to extra duty employment.

II. **POLICY:**

The nature of law enforcement employment requires Sheriff's Office personnel to have the ability to work irregular duty schedules that are subject to change on short notice. Such flexibility is necessary to provide proper service to the people of St. Martin Parish. It is also necessary for the personnel to have the adequate rest so they are alert and proficient during their tour of duty. Extra duty employment may also create a conflict of interest with the deputy's primary responsibility to the Sheriff's Office. It is, therefore, necessary to improve conditions, restrictions, or otherwise, simply review a deputy's extra duty employment. The necessity may also arise to prohibit certain off-duty/extra duty employment should the best interest and welfare of the Sheriff's Office, the deputy, or the community be at stake.

III. **DEFINITIONS:**

- A. *Regulate:* To govern or control through a process of review and authorization based on policy, rules, and regulations.
- B. *Extra Duty Employment:* Employment that is outside regular scheduled duty hours or special assignments, wherein the employer is someone or some other organization than the St. Martin Parish Sheriff's Office, and Sheriff's Office funds are not involved in the compensation. Only P.O.S.T. certified personnel will be allowed this type of employment since actual or potential use of law enforcement powers should be anticipated.

IV. **ADMINISTRATION:**

- A. The Sheriff or his designee will be responsible for overseeing that all policies and procedures pertaining to extra duty employment are being adhered to by Sheriff's Office personnel.

- B. Prior to presentation to the Sheriff for approval, all requests for extra duty employment of deputies for security or other law enforcement related functions by private citizens, private businesses, parish or public forms of government will be referred to the Sheriff or his designee for review and consideration to ensure against the following:
1. The potential of injury to the deputy and others;
 2. The possibility of court appearances or liability stemming from extra duty employment;
 3. The potential for use of force incidents; and
 4. The potential of citizens' complaints.
- C. Complaints from citizens regarding deputies performing extra duty employment will be forwarded to the Sheriff or his designee for review and possible disposition.

V. **PERMISSION, AUTHORITY, & LIMITATIONS:**

- A. All St. Martin Parish Sheriff's Office employees must receive permission for off-duty/extra duty employment from the Sheriff, or his designee, before beginning such employment. Request for authorization shall be made on "Outside Employment Request Form". (Note: In the absence of the Sheriff, temporary permission may be given by the highest authority available in the chain of command)
1. In certain emergency situations, where a crime or disastrous situation has rendered a business or property unsecured due to the time of night or major repairs, the on-duty ranking deputy may grant temporary approval for extra duty employment to a deputy in order to guard the unsecured property.
 2. Extra duty, special assignments, or other overtime activities, where compensation is provided by the St. Martin Parish Sheriff's Office, is *not* classified as off-duty or extra employment. These orders are not applicable to those official duties or assignments.
 3. When deputies have received permission for extra duty employment, and must substitute another deputy for that employment due to illness, unforeseen emergencies, or other reasons, the on-duty ranking supervisor may approve the substitute deputy.
 4. Extra duty employment shall not interfere in any manner with the employee's job performance with the St. Martin Parish Sheriff's Office.
- B. Personnel shall not engage in extra duty employment while on a regular scheduled tour of duty, when this employment interferes with arriving for duty assignment or relief from duty assignments, including requirements to work over after the shift is complete.

- C. Deputies engaging in extra duty employment in a law enforcement capacity are subject to rules and procedures that govern on-duty deputies. The authority of the Sheriff, Office, Department, Bureau and Section Supervisors shall prevail at all times over the authority of an outside employer regarding an employee's law enforcement related responsibility. No outside employer may direct a Sheriff's Deputy to fail to enforce any violation of Federal or State Statute.
- D. All deputies engaging in extra duty employment shall take appropriate law enforcement action regarding incidents brought to their attention during this employment. Incident reports, arrest reports, etc., shall be filed with the dispatcher and/or appropriate agency component. The following is a list of allowable security assignments deputies may engage in. The list, which is not all encompassing and may require exceptions or additions due to circumstances, is as follows:
1. Parades;
 2. Trail rides;
 3. Open house tours;
 4. Boat races/fishing tournaments;
 5. Construction/pipeline sites contracts;
 6. U.S. Corps of Engineers contracts;
 7. Weddings/receptions;
 8. Festivals;
 9. Prisoner transports;
 10. Hospital security;
 11. Parish school functions;
 12. Court security for murder trials; and
 13. L.A.C.E. traffic enforcement contracts.
- E. The Sheriff, or his designee, will not authorize any extra duty employment that may be construed to be in conflict with law enforcement duties, or could be construed as detrimental to the Sheriff's Office.
1. Personnel of the St. Martin Parish Sheriff's Office shall not accept extra duty employment in or on premises licensed as a tavern, club or retail liquor store or one that dispenses beer or liquor. This does not apply to public functions. An exception may be granted by the Sheriff in specific instances to assure a safe environment in the community and to protect public property.
- NOTE:** Since St. Martin Parish is a rural parish and the citizens of the parish have approved legalized gambling, the Sheriff has granted an exception for deputies to provide security for the patrons and staff at the gaming establishments. This exemption shall be for providing security only.

2. No Sheriff's Office personnel shall perform extra duty employment where such employment may be considered as questionable or conflict of interest, such as:
 - a. Duties that place deputies in compromising situations;
 - b. Duties that require inappropriate use of law enforcement duties;
 - c. Duties that require selling or handling of questionable video, film or printed matter, use of questionable firearms, etc.;
 - d. Duties that are associated with the making of appearance bonds or other duties associated with bail bond agencies;
 - e. Collection for collecting agencies, businesses or firms;
 - f. News media activities; and
 - g. Others as determined by the Sheriff.
 3. Extra duty employment, that the performance of services for attorneys, insurance companies, business firms, etc., that are duties performed by deputies in their regular employment with the Sheriff's Office, or that is a legal function and responsibility of the agency, will not be approved.
- F. No employee of the Sheriff's Office shall enter into an agreement with an individual or organization to furnish any type of law enforcement or guard services in exchange for free or reduced rent, until all requirements of this General Orders has been met and approved by the Sheriff. Any such services, if approved, shall not be provided while the affected personnel have "on-duty" status. Before approval of this type of employment, background information must be provided to determine if:
1. There is no conflict of interest between the Sheriff's Office and the individual or organization;
 2. Time elements of employment will not render the deputy physically unfit to serve effectively during his/her regular tour of duty.
- G. The physical condition of the Sheriff's Office personnel may be taken into consideration when reviewing requests for extra duty employment.
1. The Sheriff, his designee, or the deputy's supervisor, may consider the physical health and the effect extra duty secondary employment would have on the person's ability to perform his/her duties of regular employment.
 2. The St. Martin Parish Sheriff's Office personnel shall not engage in extra-duty employment while on sick leave or injury on-duty status.
- H. No St. Martin Parish Sheriff's Office personnel shall engage in extra duty employment if that person is undergoing disciplinary action by the Sheriff's Office. The suspension of extra duty secondary employment approval will be in effect for a maximum of thirty (30) days after the employee has been written up for non-compliance of a serious offense dealing with the Sheriff's Office policies and procedures. Examples of some of the non-compliance items are:

1. Disciplinary suspension;
2. Performance probation;
3. Disciplinary/investigative leave; and
4. Others that may be deemed serious and necessary by the disciplinary board and/or the Sheriff.

I. Probationary personnel who are on entry level probation shall not engage in any extra duty secondary employment that requires any use of law enforcement powers until such time as the newly hired or probationary personnel has:

1. Graduated from a basic training academy and has been certified in the Peace Officers Standards and Training (P.O.S.T.) Course;
2. Undergone field training, based on the recommendation of his/her supervisor, in order to sufficiently handle himself/herself and the public in general in different situations; and
3. Has demonstrated through job performance that he/she no longer requires close supervision. The Sheriff may grant exceptions for probationary employees in certain instances, for example:
 - a. The employee may have had prior law enforcement training;
 - b. The employee may have prior personal enterprise endeavors;
 - c. The employee is only a part-time employee or a Reserve;
 - d. The employee is a contractual employee; or
 - e. Any other exception deemed necessary by the Sheriff.

J. Insurance:

1. The St. Martin Parish Sheriff's Office does not provide Worker's Compensation Insurance for off-duty employment. However, injury or disease occurring on-the-job during the course and scope of employment by the Sheriff's Office is covered under the Employee Injury Management Program. The policy and procedures explanation is found in General Order 325 "Time Off", Section VIII.
2. All full time employee engaged in off-duty employment will have medical insurance, which will be subject to the limitations and exclusions of the plan, through the Sheriff's Office policy with the Louisiana Sheriff's Association.
 - a. This plan is offered pursuant to Louisiana Revised Statute 23:1168 (A) (2).
 - b. It does not provide complete coverage for job related injuries received while employed off-duty.
3. Full time employees employed in off-duty secondary employment should take proper steps to ensure they are properly protected through their secondary employer with proper medical, liability and Worker's Compensation Insurance for on the job protection. (Louisiana Revised Statute 23:1168(A) (2))

- K. Personnel from the St. Martin Parish Sheriff's Office who have approval for and have secured extra duty secondary employment, where law enforcement powers may be used, shall perform such duties in attire that is the official St. Martin Parish Sheriff's Office uniform.

VI. **PROHIBITED ACTIVITIES:**

- A. Any employment activity or enterprise for compensation in any forms that is inconsistent, incompatible, in conflict with, or detrimental to, the deputy's duties and responsibilities as an employee of the St. Martin Parish Sheriff's Office is prohibited.
- B. Extra duty secondary employment involving the use of the St. Martin Parish Sheriff's Office time, facilities, equipment, supplies, uniforms, etc., is prohibited, unless such use is of mutual benefit to the St. Martin Parish Sheriff's Office and/or the people of St. Martin Parish, and has the approval and authorization of the Sheriff. Such favor must show that the benefits derived will be in the best interest of St. Martin Parish, and must promote the Sheriff's Office best interest in achieving its goals and objectives. In addition, the employment duties must be essentially the same as those that would be performed if the employee were assigned those duties while on-duty.
 - 1. All personnel shall be held accountable for all Sheriff's Office equipment, which has been approved for use by the Sheriff in extra duty secondary employment. Such equipment must not be lost, damaged, neglected, or misused.
 - 2. Concerning the approval and authorization of applicable extra duty secondary employment, the deputies' duties should be in essence the same as those that would be performed if that particular deputy were assigned that duty while on duty.
- C. Extra duty secondary employment that places so much time demands on members that efficient performance of their regular duties is affected shall be prohibited. The Sheriff can also restrict the number of hours worked or prohibit the job altogether if the off-duty secondary employment should cause such interference.

VII. **PROCEDURE:**

- A. St. Martin Parish Sheriff's Office employees shall not enter, accept or engage in extra duty secondary employment without first having received permission and/or authorization from the Sheriff.
- B. The request must be made in writing through the appropriate chain of command on the "Outside Employment Request form" and must include the following information:

1. Name of employer or person hiring;
 2. Location;
 3. Telephone number of employer;
 4. Emergency telephone number where deputy can be reached while working long term secondary employment;
 5. A summary of proposed duties which has been signed off by employer;
 6. Approximate working hours, including: days of week, time of day, and total hours per week.
- C. Any personnel receiving approval for short term extra duty secondary employment shall inform his/her supervisor of the location of his/her planned work activities.
- D. Personnel who are involved in a specific personal enterprise, or involved in approved long term secondary employment with one employer, are required to submit an additional request should such employment terminate and resume later.

VIII. APPROVAL/DISAPPROVAL OR REVOCATIONS:

- A. Following a review of a request by the Sheriff and any needed review by supervisors, permission for off-duty secondary employment or personal enterprise may be granted. Once granted, employees should not change the nature of location or the employment without submitting notification of changes in writing to be reviewed by the Sheriff.
- B. Approval requests for long term outside secondary employment shall be reviewed, upon the employee's initiation by written request to the Sheriff, through his/her chain of command. This request will be submitted anytime there is a substantial change in the conditions of his/her extra duty employment contract.
- C. If it is determined that the proposed extra duty secondary employment or personal enterprise is incompatible with the employee's employment with the Sheriff's Office, then the employee shall be notified, when possible, of the Sheriff's determination and that the secondary employment is prohibited. If the employee feels the secondary extra duty employment is incompatible or has become incompatible during his/her tenure of employment, it is the responsibility of the employee to notify the Sheriff, of this incompatibility through his/her Component Supervisor.
- D. If work performance or attendance is affected, then a recommendation concerning whether extra duty secondary employment is or is not compatible with the Sheriff's Office shall be made by the employee's immediate supervisor and shall be forwarded in writing to the Sheriff or his designee. The Sheriff or his designee shall notify the employee of the Sheriff's decision of whether or not he/she may continue with extra duty secondary employment.

1. Continuance of extra duty secondary employment that has been determined to be incompatible or detrimental shall be considered misconduct and may result in disciplinary action or dismissal.
 2. An employee with specific notification from the Sheriff may be allowed a period not to exceed seven (7) days to submit his intention to terminate his employment with his/her outside employer or file a properly written request for continued outside employment.
- E. Each employee's supervisor shall state either on the employee's six (6) month special or annual performance evaluation, a recommendation of approval or denial for outside employment based on the employee's job performance, sick leave, tardy records, and his/her entire job performance record when referencing out side employment.
- F. If an employee's outside employment privileges have been suspended due to poor on-duty performance, written authorization from his/her supervisor to the Sheriff will be required for reinstatement of outside employment privileges.
- G. The Sheriff or his designee shall have inspections conducted at the location where off-duty tasks are being performed in order to assure that conduct and procedures for such employment are being adhered to. Any violations of set procedures will render void any such authorization for off-duty employment.

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Nov. 04, 2010, Jan. 15, 2013



Ronald J. Theriot, Sheriff
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